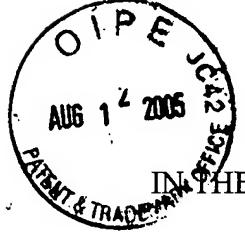


BARNES & THORNBURG LLP



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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Customer No.

23643

Group:

2855

Confirmation No.:

5955

Application No.:

10/721,662

Invention:

SYSTEM FOR ESTIMATING A
QUANTITY OF PARASITIC
LEAKAGE IN A FUEL INJECTION
SYSTEM

Inventor:

Tuker et al.

Filed:

November 25, 2003

Attorney

Docket:

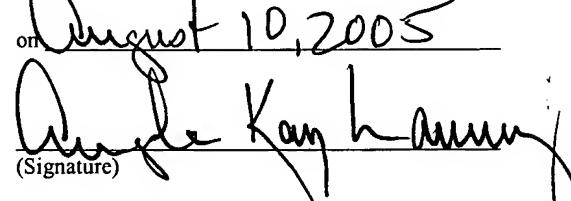
29766-70636

Examiner:

McCall, Eric Scott

Certificate Under 37 CFR 1.8(a)

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450

on August 10, 2005

(Signature)

Angela Kay Lanning

(Printed Name)

TERMINAL DISCLAIMER TO OVERCOME DOUBLE-PATENTING REJECTION

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Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

The owner, Cummins Engine Company, Inc., certifies that it is the assignee of the entire right, title, and interest in the patent application identified above as recorded at Reel 016355 and Frame 0408 by the U.S. Patent and Trademark Office, and hereby disclaims, except as provided below, the terminal part of the statutory term of any patent

granted on the instant application which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. § 154 to 156 shortened by any terminal disclaimer, of U.S. Patent No. 6,823,834. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and U.S. Patent No. 6,823,834 are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors, or assigns.

In making the above disclaimer, the assignee does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. § 154 to 156 and 173 of U.S. Patent No. 6,823,834, as presently shortened by any terminal disclaimer, in the event that U.S. Patent No. 6,823,834 later expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. § 1.321, has all claims cancelled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

The undersigned has reviewed all the documents in the claim of title of the patent application identified with heading above and, to the best of the undersigned's knowledge and belief, title is in the assignee identified above, and the undersigned is empowered to sign the terminal disclaimer and certificate.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and

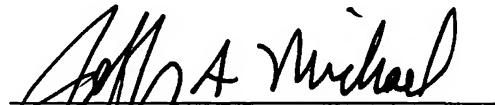
further, that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

The undersigned is an attorney of record.

A check in the amount of \$130.00 to cover the fee for this Terminal Disclaimer is enclosed

It is respectfully requested that, if necessary to effect a timely response, this paper be considered as a Petition for an Extension of Time sufficient to effect a timely response and that shortages in other fees be charged, or any overpayment be credited, to the account of Barnes & Thornburg, Deposit Account No. 10-0435 with reference to file 29766-70636, but not to include as payment of any issue fees..

Respectfully submitted,



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